IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 31ST OCTOBER 2007 / 9TH KARTHIKA 1929

Bail Appl..No. 6410 of 2007()

CRIME NO. 1179/05 OF ALUVA POLICE STATION

PETITIONER/1ST ACCUSED:

NIZAR @ ANIL, AGED 38 YEARS,
S/O. YOUSUFF, KALLUPURACKAL, WARD NO.13,
THRIKKAKARA PANCHAYATH, THRIKKAKARA P.O.,
KARIMAKKAD, ERNAKULAM DISTRICT.

BY ADV. SRI.G.PRIYADARSAN THAMPI

RESPONDENTS: COMPLAINANT:

STATE OF KERALA,
REPRESENTING DY.SUPERINTENDENT OF POLICE (DCRB),
ALUVA THROUGH THE PUBLIC PROSECUTOR, HIGH COURT OF
KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. S.U. NAZAR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 31/10/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

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B.A.No. 6410 of 2007

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Dated this the 31st day of October, 2007

O R D E R

Application for anticipatory bail. The petitioner is the first accused. The crux of the allegations against him is that he had induced the defacto complainant fraudulently to part with an amount of Rs.2,55,000/- The petitioner, who allegedly collected the amounts and asked the defacto complainant to wait outside the stamp vendors room, did not return later. A complaint was filed by the defacto complainant. Crime was registered. Investigation is in progress. The petitioner has come to this Court seeking anticipatory bail. He submits that the disputes have been settled with the defacto complainant. Annexures 1 and 2 have been filed to confirm the settlement.

2. The learned Prosecutor, on instructions, submits that it is revealed that the matter is settled and the complainant has no surviving grievance. But the circumstances of the transaction arouse suspicion. More detailed steps are necessary, submits the learned Prosecutor.

3. The learned Prosecutor however does not oppose the application for anticipatory bail. I am satisfied that, subject to appropriate conditions, which shall facilitate an expeditious investigation, anticipatory bail can be granted to the petitioner.

4. In the result:

(1) This application is allowed.

(2) The following directions are issued under Section 438 Cr.P.C.

(a) The petitioner shall surrender before the learned Magistrate on 7.11.2007 at 11 a.m. The learned Magistrate shall release the petitioner on regular bail on condition that he executes a bond for Rs.25,000/- (Rupees twenty five thousand only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

(b) The petitioner shall make himself available for interrogation before the Investigating Officer between 10 a.m. and 3 p.m. on 8.11.2007 and 9.11.2007 and thereafter as and when directed by the Investigating Officer in writing to do so.

(c) If the petitioner does not appear before the learned Magistrate as directed in clause (1) above, these directions shall lapse on 7.11.07 and the

police shall be at liberty thereafter to arrest the petitioner and deal with him in accordance with law.

(d) If the petitioner were arrested prior to his surrender on 7.11.2007 as directed in clause (1) above, he shall be released on bail on his executing a bond for Rs.25,000/- without any surety undertaking to appear before the learned Magistrate on 7.11.2007.

(R. BASANT)
Judge

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